

REMARKS

In the outstanding Official Action, claims 1-18 were rejected as being anticipated by GERACE (U.S. Patent No. 5,848,396). Upon entry of the present amendment, claims 1-3 and 11 will have been amended to clarify the features of the presently-claimed invention. Additionally, Applicants have submitted corrected drawings in response to objections set forth in the Notice of Draftperson's Patent Drawing Review. In view of the herein-contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections set forth in the above-mentioned Official Action, together with the allowance of all the claims pending in the present application.

In particular, Applicants respectfully submit that GERACE discloses an Internet publishing system (e.g., "agate provider") that is uniquely configured for each user (see column 1, lines 66-67). In addition, GERACE discloses an advertising module that collects information on user behavior in order to refine a target of which users should receive an advertisement for viewing (see column 4, lines 29-36). As noted in the outstanding Official Action, the profile information of GERACE is used to design a "customized user interface", i.e., an interface that is uniquely tailored for each user.

In this regard, claim 1 of the present invention recites, inter alia, "categorizing a user population into at least two groups based on at least one of user behavioral characteristics and user preferences". In contrast, GERACE discloses the use of "agate

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information to determine the profile of a computer user" (emphasis added, see column 2, lines 3-4; column 4, lines 21-23). In this regard, the user profile in GERACE is created "from the agate information viewing habits of the user" (see column 4, lines 21-23). Furthermore, GERACE discloses a "user profile" that is unique "for each user" (see column 5, lines 63-65). Additionally, GERACE discloses using the profile to "customize presentation... for display to the user" (emphasis added, see column 2, lines 23-24; column 4, lines 23-25). However, Applicants respectfully assert that GERACE does not disclose or suggest the above-noted features recited in claim 1, e.g., "categorizing a user population" at any of the portions of GERACE applied by the Examiner, e.g., abstract; col. 2, lines 3-23, col. 4, lines 1-47, col. 5, lines 27-31. Rather, the above-noted portions of GERACE only relate to creating a customized user interface and a targeted advertising module, using information derived from tracking the viewing habits of the user.

Applicants have provided exemplary definitions of the terms "categorize" and "customize" from Webster's New World Dictionary, photocopies of which are attached hereto. In particular, the term "categorize" is defined as "to place in a category" (where "category" is defined as "a class or division in a scheme of classification"). In contrast, the term "customize" is defined as "to make according to individual specifications". As should be clear from a comparison of the definitions provided herein, "categorizing" is not the same as, or a mere obvious variation of, "customizing". Accordingly, Applicants respectfully submit that GERACE does not disclose or suggest the "categorizing" recited

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in claim 1.

Additionally, Applicants submit that GERACE does not disclose or suggest the "at least two groups" which are described and modeled according to the invention recited in claim 1. Rather, each user in GERACE is "unique", and therefore not categorized into "groups". Accordingly, the above-noted "profile" and targeted advertising of GERACE, do not relate to "describing the categorized user behavior characteristics and user preferences, and modeling", as is recited in claim 1.

Furthermore, Applicants respectfully submit that the customized profiles of GERACE do not disclose "modeling the described behavioral characteristics and user preferences", at least because any behavioral characteristics and/or user preferences in GERACE are not disclosed to be "categorized" or "described", as is recited in claim 1.

Moreover, Applicants respectfully submit that GERACE does not apply models to, e.g., "interactive interface testing", as is recited in claim 1. In this regard, Applicants respectfully submit that GERACE does not appear to disclose any testing whatsoever, let alone "interactive interface testing" that relates to "qualitative and quantitative models", as is recited in claim 1. Rather, at the portion of GERACE asserted by the Examiner to disclose or suggest "testing (col. 15, lines 25-44)", GERACE actually discloses automated and real time adjustment of "the intended audience profile of advertisements". The "[p]rogram 31 continually performs [the adjustments] so as to maximize/optimize success of advertisements displayed through server 27". However, Applicants respectfully submit

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that continually adjusting a program based on updated data is not the same, or a mere obvious variation, of testing a program. In any case, there is no disclosure that the adjustments relate to the application of models. Accordingly, Applicants respectfully assert that GERACE does not disclose or suggest applying models to, e.g., "interactive interface testing", as is recited in claim 1.

Accordingly, for all of the reasons noted above, Applicants respectfully assert that claim 1 is allowable over the references applied by the Examiner. In this regard, if the rejection of claim 1 over GERACE is maintained, Applicants respectfully request that the Examiner provide, with specificity, an explanation of how GERACE categorizes "a user population into at least two groups". Furthermore, if the rejection of claim 1 over GERACE is maintained, Applicants respectfully request that the Examiner provide, with specificity, an explanation of where GERACE discloses or suggests "describing the categorized user behavioral characteristics and user preferences", as well as "modeling the described behavioral characteristics and user preferences". Additionally, if the rejection of claim 1 over GERACE is maintained, Applicants respectfully request that the Examiner provide, with specificity, an explanation of how the continual optimization disclosed at column 15, lines 25-44 of GERACE, relates in any way to "interactive interface testing".

Applicants further submit that each of independent claims 3 and 11 recite features similar to the above-noted features recited in claim 1. Accordingly, Applicants

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respectfully submit that each of claims 3 and 11 are allowable for reasons similar to the above-noted reasons set forth for the patentability of claim 1.

Additionally, claim 3 recites, “validating targeted user behaviors and user preferences”. Additionally, claim 11 recites “validating pre-determined targeted behaviors and preferences”. In contrast, the continued adjustment of the advertising module in GERACE is not “validating” the user behaviors and user preferences, at least because, in adjusting the model, GERACE does not disclose that a particular user behavior may be found, e.g., invalid.

Furthermore, claim 3 recites “tracking design requirements for the validated user behaviors and user preferences” and claim 11 recites “tracking design requirements for the validated behaviors and preferences”. In contrast, there is absolutely no disclosure that GERACE tracks design requirements in any way, let alone “for the validated... behaviors and... preferences”.

Additionally, claim 11 recites “integrating user-customization into a design by creating a user-profile” and “iteratively testing the design”. Applicants respectfully submit that GERACE does not disclose or suggest any manner of testing a design, let alone iteratively testing a design. Rather, as noted above, GERACE merely discloses adjusting an advertising module to ensure advertisements are targeted to a proper audience.

Accordingly, for all the reasons noted above, Applicants respectfully request

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reconsideration and withdrawal of each of the outstanding rejections of claims 1, 3 and 11. Applicants additionally submit that each of claims 2, 4-10 and 12-18 are allowable, at least because each depends, directly or indirectly, from an allowable independent claim, as well as for reasons related to their own recitations.

For example, claims 5 and 13 recite “incorporating said user interface into a telephone system”, and claims 8 and 16 recite “incorporating said user interface into an automated teller machine”. In contrast to the invention recited in the present claims, the entire disclosure of GERACE relates to creating user profiles for, e.g., targeting internet advertising. In this regard, the outstanding Official Action asserts that GERACE discloses an "automated teller machine" at column 12, lines 7-21. However, there is absolutely no mention of an automatic teller machine or any equivalent thereof at column 12, lines 7-21 of GERACE. Similarly, there is no mention of a "telephone system" at any of those portions of GERACE noted by the Examiner, e.g., column 6, lines 23-35; column 16, lines 37-55; column 22, lines 26-42, and column 32, lines 19-38. Rather, GERACE discloses an internet "Yellow Pages" telephone directory which, of course, is not a "telephone system" as would be understood by one of ordinary skill in the art. Accordingly, the cited portions of GERACE have nothing to do whatsoever with, e.g., a “telephone system” or an “automated teller machine”.

In any case, if the rejections of claims 1-18 are maintained over GERACE, Applicants respectfully request that the Examiner provide, with specificity, an indication

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where each of the above-noted features of the present claims are believed to be disclosed or suggested in GERACE. In this regard, Applicants respectfully submit that GERACE has been shown not to disclose or suggest the above-noted features of the presently recited claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of claims 1-18 over GERACE.

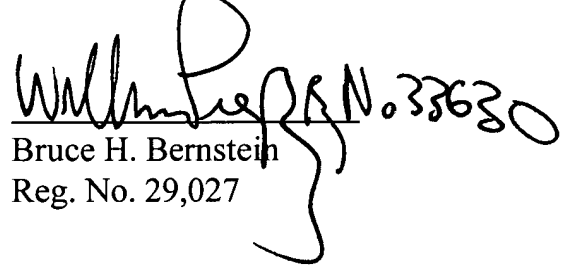
SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to clarify the features of the present invention. Applicants have discussed the features recited in Applicants' claims and have shown how these features are not taught, disclosed nor rendered obvious by the reference applied by the Examiner.

Any amendments to existing claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the references applied by the Examiner, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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